

PROPOSED CHANGES RE: AFFORDABLE ACCESSORY DWELLING UNITS  
 DRAFT MARCH 1, 2016

**§ 10.4. Definitions**

Dwelling Unit, Affordable Accessory. A rental dwelling unit either detached from or located within or attached to a principal single family dwelling, principal or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall, containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw (4/16). ~~restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income-eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines.~~

**§ 30.2. Use Table**

The following uses are permitted by district as indicated below, and consistent with the purposes for which the district was established. Uses not expressly permitted are deemed prohibited.

KEY

- P Permitted
- SP May be allowed by special permit granted by the Board of Appeals, or the Planning Board, where noted
- N Not Permitted
- R Residential
- BP Beach Point Limited Business
- NT6A Route 6A, North Truro Limited Business
- TC Truro Center Limited Business
- NTC North Truro Center General Business
- Rt6 Route 6 General Business
- S Seashore

<b>PRINCIPAL USES</b>							
	R	BP	NT6A	TC	NTC	Rt6	S
<b>AGRICULTURAL</b>							
Agricultural (except Animal Husbandry); horticultural, floricultural	P	P	P	P	P	P	P
Animal husbandry, parcels of more than 5 acres	P	P	P	P	P	P	P
Animal husbandry, parcels of 5 acres or less	SP	SP	SP	N	SP	SP	SP
<b>COMMERCIAL</b>							
Automobile service, repair, storage, or salesrooms	N	N	N	N	P	P	N
Commercial fishing activity (1, 11)	P	P	P	P	P	P	P
Professional office (2)	N	P	P	P	P	P	N

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<b>PRINCIPAL USES</b>							
	R	BP	NT6A	TC	NTC	Rt6	S
Restaurant	N	N	N	P	P	P	N
Retail business service (4/14)	N	N	P	P	P	P	N
Retail sales (4/14)	N	N	N	P	P	P	N
Wholesale Trade (4/14)	N	N	SP	SP	P	P	N
<b>INDUSTRIAL</b>							
Communication structure	N	N	N	N	N	SP (4)	N
Industrial or manufacturing use (5)	N	N	N	N	SP	SP	N
Marine installation	SP	SP	SP	N	SP	SP	N
Public utility	N	N	N	N	P	P	P
Research or experimental lab (6)	SP	SP	SP	N	SP	SP	N
Small engine repair	SP	SP	SP	N	SP	SP	N
Trade, repair shop, etc. (7) (4/14)	N	N	P	P	P	P	N
<b>INSTITUTIONAL</b>							
Educational institution	P	P	P	P	P	P	P
Hospital, nursing and/or convalescent home	P	P	P	P	P	P	P
Municipal use (4/13)	P	P	P	P	P	P	P
Private club not conducted for profit	SP	SP	SP	N	SP	SP	N
National Seashore administration facilities, public facilities	N	N	N	N	N	N	P (11)
Religious institution	P	P	P	P	P	P	P
Large-Scale Ground-Mounted Photovoltaic Array (4/11)	SP (12)	N	N	N	N	P	P
<b>RECREATIONAL</b>							
Children's camp	SP	SP	SP	N	SP	SP	N
Park, playground, non-commercial recreation	P	P	P	N	P	P	N
<b>RESIDENTIAL</b>							

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<b>PRINCIPAL USES</b>							
	R	BP	NT6A	TC	NTC	Rt6	S
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Duplex new (8)	N	SP	SP	SP	SP	SP	N
Duplex, conversion of existing single family dwelling (8)	SP	SP	SP	SP	SP	SP	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (10)	P	P	P	P	P	P	P (11)
<b>ACCESSORY USES</b>							
Dwelling Unit, Affordable Accessory (10) <i>(04/07/16)</i>	SP	SP	SP	SP	SP	SP	<del>N</del> <u>P</u>
Bed and breakfast, home; as defined; Boarding House, Home, as defined	P	P	P	N	P	P	P (11)
Habitable Studio	P	P	P	N	N	P	P
Home occupation, as defined	P	P	P	P	P	P	P (11)
Other home occupation (5)	SP	SP	SP	N	SP	SP	N
Working Studio	P	P	P	N	N	P	P

(4/06)

NOTES

- To include traditional fishing activities, opening of shellfish, storage and use of fishing equipment.
- No more than four (4) offices per lot; 20% lot coverage permitted, exclusive of parking; storage of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited; the Board of Appeals shall find that the proposed use does not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.
- Reserved  
*(4/14)*
- Includes buildings and appurtenances; Special Permit Granting Authority is the Planning Board.
- The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.
- The Board of Appeals may approve activities which are necessary in connection

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with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good; the proposed accessory use need not be located on the same parcel as the primary use.

7. Includes shops of carpenters, plumbers, electricians, dressmakers and similar tradespeople, repairs to radio-TV-computers and related electronic services, bicycle repairs, furniture repairs and upholstery.

(4/14)

8. Uses in this category are further subject to the special regulations set forth in § 40.1, Duplex Houses and Apartments.

9. Except trailers, mobile homes, Quonset huts or portable buildings. One tent for non-commercial use is allowed per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used.

10. Uses in this category are further subject to the special regulations set forth in §40.2, Affordable Accessory Dwelling Unit ~~and the Planning Board shall serve as the Special Permit granting authority.~~

(04/07/16)

11. Uses in this category are further subject to the special regulations set forth in § 30.3, Seashore District.

12. Except in the Solar Farm Overlay District, where the use is permitted.

(4/11)

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40.2 Affordable Accessory Dwelling Unit

(04/07/16)

~~A. Purposes: For the purpose of promoting the development of affordable rental housing in Truro for year-round residents, one affordable accessory dwelling unit, as defined in Section 10.4—Definitions, per lot may be established subject to the requirements, standards and conditions listed below:~~

1. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
2. Increase the number of small dwelling units available for rent in Town, and increase the range of choice of housing accommodations;
3. Encourage greater diversity of population with particular attention to young adults and senior citizens; and
4. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
5. Provide homeowners with a means of obtaining rental income to defray housing

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costs.

- ~~A. One Affordable Accessory Dwelling Unit per buildable lot may be allowed in any district by Special Permit from the Planning Board.~~
- ~~B. An Affordable Accessory Dwelling Unit created under this by law shall be occupied exclusively by income eligible households, as defined by the guidelines in subsections D and E below. The affordability requirements of this section shall be incorporated into the terms of the Special Permit issued by the Planning Board. No accessory dwelling unit shall be constructed or occupied until proof of recording of the terms of the Special Permit decision in the Barnstable County Registry of Deeds within the time required by M.G.L. c. 40A has been provided to the Building Commissioner and to the Planning Board.~~
- C. B. Requirements and Standards
- ~~1. One Affordable Accessory Dwelling Unit (ADU) per buildable lot in any district may be established within or attached to a principal dwelling, principal structure, or a garage or constructed as a detached unit, and which must be located on the same lot as the other structure(s).~~
  - ~~2. An Affordable Accessory Dwelling Unit shall not contain more than one thousand four hundred (1,400) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By law.~~
  - ~~3. 2. An Affordable Accessory Dwelling Unit within or attached to a principal dwelling, principal structure or garage that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity.~~
  - ~~4. 3. A newly constructed detached Affordable Accessory Dwelling Unit shall comply with all applicable provisions of this by-law unless specifically waived by the Planning Board.~~
  - ~~5. 4. Either the principal or the Affordable Accessory Dwelling Unit shall be owner-occupied. For the purposes of this section, any such dwelling shall be considered as owner-occupied if either dwelling unit is occupied on a year-round basis by the property owner of record, except for temporary absence during which the owner's unit is not rented for more than ninety (90) days.~~
  - ~~6. The subsurface waste disposal system for an Affordable Accessory Dwelling Unit shall be reviewed and approved by the Health Agent and/or the Board of Health, as applicable.~~
  - ~~7. The Building Commissioner and Health Agent shall inspect each Affordable Accessory Dwelling Unit at least annually for compliance with public safety and~~

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~~public health codes, respectively. A written consent form to allow for the inspection must be filed at the beginning of any tenancy.~~

~~8.5. An Affordable Accessory Dwelling Unit shall be maintained in the same record ownership as that of the principal dwelling unit or principal structure. Prior to occupancy of an Affordable Accessory Dwelling Unit the lot upon which it stands shall be made subject to a recorded instrument that restricts the property owner's ability to convey any interest in the Affordable Accessory Dwelling Unit, apart from the principal dwelling unit or structures, other than a leasehold estate, for the term of the restriction.~~

6. An ADU shall not be used for boarding and lodging, or commercial use. An ADU or the principal dwelling to which it is accessory, whichever is not the owner-occupied unit, may be rented for periods not shorter than six months at a time, and both the ADU and the principal dwelling are prohibited from any use as rental units on a weekly, twice-monthly or daily basis.

**C. Use, Design and Dimensional Requirements:**

1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.
2. An ADU shall not contain more than one thousand four hundred (1,400) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law.
3. At least one (1) off street parking space in addition to that required for the principal single family dwelling is required for an ADU.
4. An ADU and principal dwelling shall share common septic/ wastewater and water service facilities. The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and local Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and ADU shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot.
5. If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
- ~~1-6.~~6. An ADU shall be clearly subordinate in use, size and design to the principal single-family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.

**D. Procedure Administration and Enforcement:**

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1. An ADU shall be permitted as a “By Right” use accessory to a lawful single-family dwelling use. A building permit shall be required for each ADU.
2. The Building Commissioner/ Chief Zoning Officer shall administer and enforce the provisions of §40.2.A-D.
3. ADUs shall not be eligible for zoning use variances, or for zoning dimensional variance relief proposing to increase the allowable number of ADUs on a lot, which shall be considered a use variance.
4. The construction of any ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all other provisions of applicable town health, building, zoning and other local laws and regulations.
5. Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new building and improvements on a lot associated with a proposed ADU consistent with this bylaw.  
The Building Commissioner and Health Agent shall inspect each Accessory Dwelling Unit at least annually for compliance with public safety and public health codes, respectively. A written consent form to allow for the inspection must be filed at the beginning of any tenancy.

**40. E Property Tax Exemption for Affordable ADU**

Any ADU that is created under this bylaw that meets the affordability requirements of subsection 40.E.1 and 40.E.2 of this bylaw is qualified to seek a property tax exemption under General Laws Chapter 59 and Chapter 306 of the Acts of 2014.

- Ⓓ. 1. All occupants of an Affordable Accessory Dwelling Unit shall upon initial application and annually thereafter on the first of September in each calendar year, submit to the Town or its agent the documentation necessary to confirm their eligibility to occupy the dwelling unit. Specifically, all dwelling units must be rented to those meeting the following guidelines for a low or moderate-income family: (1) low income families having an income not exceeding eighty (80) percent of the Barnstable County median family income, and (2) moderate income families having an income between eighty (80) and one hundred twenty (120) percent of the Barnstable County median family income and, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, as they may from time to time be amended.
- Ⓔ. 2. Maximum rents shall be established in accordance with Fair Market Rental Guidelines published from time to time by the United States Department of Housing and Urban Development (HUD). Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit to the Town or its agent information on annual rents to be charged. Forms for this purpose shall be provided by the Town. Rents may be adjusted upward and shall be adjusted downward annually in accordance with adjustments to the Fair Market Rental Guidelines.

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~~F. Procedure~~

- ~~1. The property owner shall complete and submit an application for a Special Permit to the Planning Board~~
- ~~2. The Planning Board shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of MGL, Chapter 40A and the Truro Zoning By law, Section 30.8~~
- ~~3. The Planning Board may grant a Special Permits only if it finds that the proposal complies with the provisions of this bylaw, §40.2, and that it complies with the applicable criteria for granting Special Permit, as detailed in §30.8.~~
- ~~4. If the Planning Board grants the Special Permit and following expiration of any applicable appeal period, the property owner shall complete and submit to the Building Commissioner an application for a Building Permit to allow a change in use.~~
- ~~5. The property owner shall obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the Affordable Accessory Dwelling Unit.~~
- ~~6. An appeal of a determination of the Planning Board under this section may be taken in accordance with Section 17 of MGL, Chapter 40A.~~

~~G. Penalty — Failure of the applicant to comply with any provision of this section is punishable by a fine established in Section 60.1 of the Truro Zoning By laws and/or may result in the revocation of the Special Permit.~~